

LEGISLATURE OF NEBRASKA
NINETY-NINTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 561

Introduced by Kopplin, 3; Schimek, 27

Read first time January 18, 2005

Committee: Education

A BILL

1 FOR AN ACT relating to schools; to amend sections 79-2,133 and
2 79-1003, Reissue Revised Statutes of Nebraska; to provide
3 for free meals for students who are children of deployed
4 military personnel; to provide for fee waivers as
5 prescribed; to harmonize provisions; to repeal the
6 original sections; and to declare an emergency.
7 Be it enacted by the people of the State of Nebraska,

1 Section 1. (1) Beginning with school fiscal year
2 2005-06, each public school district may provide school breakfasts
3 and school lunches without charge to any student who is a child of
4 deployed military personnel during the period of deployment. The
5 school district shall report to the State Department of Education
6 on a form approved by the department the number of meals provided
7 without charge pursuant to this section. The department shall
8 reimburse the school district in the school year following the
9 school year covered by the report in an amount equal to the number
10 of meals provided without charge to students who are children of
11 deployed military personnel multiplied by the amount charged other
12 students of the school district at the same grade level.

13 (2) A student receiving school breakfasts or school
14 lunches without charge under this section is not a free lunch and
15 free milk student as defined in section 79-1003.

16 (3) For purposes of this section and section 79-2,133,
17 student who is a child of deployed military personnel means a
18 student in any of grades kindergarten through twelve whose parent
19 or guardian is a member of the Nebraska National Guard as described
20 in section 55-105, the National Guard as defined in 32 U.S.C. 101,
21 or the reserve military forces of the United States described in 10
22 U.S.C. 10101, performing military duty based on an order indicating
23 a period of service not less than ninety days or consecutive orders
24 totaling not less than ninety days.

25 Sec. 2. Section 79-2,133, Reissue Revised Statutes of
26 Nebraska, is amended to read:

27 79-2,133. Each governing body shall establish a policy
28 waiving the fees and providing the items otherwise required to be

1 provided by students pursuant to subdivision (1) of section
2 79-2,127 for students who qualify for free or reduced-price lunches
3 under United States Department of Agriculture child nutrition
4 programs and students who are children of deployed military
5 personnel as defined in section 1 of this act. Participation in a
6 free-lunch program or reduced-price lunch program is not required
7 to qualify for free or reduced-price lunches for purposes of this
8 section.

9 Each governing body may establish a policy for waiving
10 fees or providing items otherwise required to be provided by
11 students in other circumstances.

12 Sec. 3. Section 79-1003, Reissue Revised Statutes of
13 Nebraska, is amended to read:

14 79-1003. For purposes of the Tax Equity and Educational
15 Opportunities Support Act:

16 (1) Adjusted general fund operating expenditures means
17 general fund operating expenditures as calculated pursuant to
18 subdivision (23) of this section minus the transportation allowance
19 and minus the special receipts allowance;

20 (2) Adjusted valuation means the assessed valuation of
21 taxable property of each local system in the state, adjusted
22 pursuant to the adjustment factors described in section 79-1016.
23 Adjusted valuation means the adjusted valuation for the property
24 tax year ending during the school fiscal year immediately preceding
25 the school fiscal year in which the aid based upon that value is to
26 be paid. For purposes of determining the local effort rate yield
27 pursuant to section 79-1015.01, adjusted valuation does not include
28 the value of any property which a court, by a final judgment from

1 which no appeal is taken, has declared to be nontaxable or exempt
2 from taxation;

3 (3) Allocated income tax funds means the amount of
4 assistance paid to a local system pursuant to section 79-1005.01 or
5 79-1005.02 as adjusted by the minimum levy adjustment pursuant to
6 section 79-1008.02;

7 (4) Average daily attendance of a student who resides on
8 Indian land means average daily attendance of a student who resides
9 on Indian land from the most recent data available on November 1
10 preceding the school fiscal year in which aid is to be paid;

11 (5) Average daily membership means the average daily
12 membership for grades kindergarten through twelve attributable to
13 the local system, as provided in each district's annual statistical
14 summary, and includes the proportionate share of students enrolled
15 in a public school instructional program on less than a full-time
16 basis;

17 (6) Base fiscal year means the first school fiscal year
18 following the school fiscal year in which the reorganization or
19 unification occurred;

20 (7) Board means the school board of each school district;

21 (8) Categorical funds means funds limited to a specific
22 purpose by federal or state law, including, but not limited to,
23 Title I funds, Title VI funds, federal vocational education funds,
24 federal school lunch funds, Indian education funds, Head Start
25 funds, funds from the Education Innovation Fund, and funds from the
26 School Technology Fund;

27 (9) Consolidate means to voluntarily reduce the number of
28 school districts providing education to a grade group and does not

1 include dissolution pursuant to section 79-498;

2 (10) Converted contract means an expired contract that
3 was in effect for at least fifteen years for the education of
4 students in a nonresident district in exchange for tuition from the
5 resident district when the expiration of such contract results in
6 the nonresident district educating students who would have been
7 covered by the contract if the contract were still in effect as
8 option students pursuant to the enrollment option program
9 established in section 79-234;

10 (11) Converted contract option students means students
11 who will be option students pursuant to the enrollment option
12 program established in section 79-234 for the school fiscal year
13 for which aid is being calculated and who would have been covered
14 by a converted contract if the contract were still in effect and
15 such school fiscal year is the first school fiscal year for which
16 such contract is not in effect;

17 (12) Department means the State Department of Education;

18 (13) District means any Class I, II, III, IV, V, or VI
19 school district;

20 (14) Ensuing school fiscal year means the school fiscal
21 year following the current school fiscal year;

22 (15) Equalization aid means the amount of assistance
23 calculated to be paid to a local system pursuant to sections
24 79-1008.01 to 79-1022 and 79-1022.02;

25 (16) Fall membership means the total membership in
26 kindergarten through grade twelve attributable to the local system
27 as reported on the fall school district membership reports for each
28 district pursuant to section 79-528;

1 (17) Fiscal year means the state fiscal year which is the
2 period from July 1 to the following June 30;

3 (18) Formula students means (a) for state aid certified
4 pursuant to section 79-1022, the sum of fall membership from the
5 school fiscal year immediately preceding the school fiscal year in
6 which the aid is to be paid, multiplied by the average ratio of
7 average daily membership to fall membership for the second school
8 fiscal year immediately preceding the school fiscal year in which
9 aid is to be paid and the prior two school fiscal years, and
10 tuitioned students from the school fiscal year immediately
11 preceding the school fiscal year in which the aid is to be paid and
12 (b) for final calculation of state aid pursuant to section 79-1065,
13 the sum of average daily membership and tuitioned students from the
14 school fiscal year immediately preceding the school fiscal year in
15 which the aid was paid;

16 (19) Free lunch and free milk student means a student who
17 qualified for free lunches or free milk from the most recent data
18 available on November 1 of the school fiscal year immediately
19 preceding the school fiscal year in which aid is to be paid but
20 does not include a student who is a child of deployed military
21 personnel as defined in section 1 of this act who is not otherwise
22 qualified for free lunches or free milk;

23 (20) Full-day kindergarten means kindergarten offered by
24 a district for at least one thousand thirty-two instructional
25 hours;

26 (21) General fund budget of expenditures means the total
27 budget of disbursements and transfers for general fund purposes as
28 certified in the budget statement adopted pursuant to the Nebraska

1 Budget Act, except that for purposes of the limitation imposed in
2 section 79-1023, the calculation of Class I total allowable general
3 fund budget of expenditures minus the special education budget of
4 expenditures pursuant to section 79-1083.03, and the calculation
5 pursuant to subdivision (2) of section 79-1027.01, the general fund
6 budget of expenditures does not include any special grant funds,
7 exclusive of local matching funds, received by a district subject
8 to the approval of the department;

9 (22) General fund expenditures means all expenditures
10 from the general fund;

11 (23) General fund operating expenditures means the total
12 general fund expenditures minus categorical funds, tuition paid,
13 transportation fees paid to other districts, adult education,
14 summer school, community services, redemption of the principal
15 portion of general fund debt service, retirement incentive plans,
16 staff development assistance, and transfers from other funds into
17 the general fund for the second school fiscal year immediately
18 preceding the school fiscal year in which aid is to be paid;

19 (24) High school district means a school district
20 providing instruction in at least grades nine through twelve;

21 (25) Income tax liability means the amount of the
22 reported income tax liability for resident individuals pursuant to
23 the Nebraska Revenue Act of 1967 less all nonrefundable credits
24 earned and refunds made;

25 (26) Income tax receipts means the amount of income tax
26 collected pursuant to the Nebraska Revenue Act of 1967 less all
27 nonrefundable credits earned and refunds made;

28 (27) Limited English proficiency student means a student

1 with limited English proficiency from the most recent data
2 available on November 1 of the school fiscal year preceding the
3 school fiscal year in which aid is to be paid;

4 (28) Local system means a Class VI district and the
5 associated Class I districts or a Class II, III, IV, or V district
6 and any affiliated Class I districts or portions of Class I
7 districts. The membership, expenditures, and resources of Class I
8 districts that are affiliated with multiple high school districts
9 will be attributed to local systems based on the percent of the
10 Class I valuation that is affiliated with each high school
11 district;

12 (29) Low-income child means a child under nineteen years
13 of age living in a household having an annual adjusted gross income
14 of fifteen thousand dollars or less for the second calendar year
15 preceding the beginning of the school fiscal year for which aid is
16 being calculated;

17 (30) Most recently available complete data year means the
18 most recent single school fiscal year for which the annual
19 financial report, fall school district membership report, annual
20 statistical summary, Nebraska income tax liability by school
21 district for the calendar year in which the majority of the school
22 fiscal year falls, and adjusted valuation data are available;

23 (31) Regular route transportation means the
24 transportation of students on regularly scheduled daily routes to
25 and from the attendance center;

26 (32) Reorganized district means any district involved in
27 a consolidation and currently educating students following
28 consolidation;

1 (33) School year or school fiscal year means the fiscal
2 year of a school district as defined in section 79-1091;

3 (34) Special education means specially designed
4 kindergarten through grade twelve instruction pursuant to section
5 79-1125, and includes special education transportation;

6 (35) Special grant funds means the budgeted receipts for
7 grants, including, but not limited to, Title I funds, Title VI
8 funds, funds from the Education Innovation Fund, reimbursements for
9 wards of the court, short-term borrowings including, but not
10 limited to, registered warrants and tax anticipation notes,
11 interfund loans, insurance settlements, and reimbursements to
12 county government for previous overpayment. The state board shall
13 approve a listing of grants that qualify as special grant funds;

14 (36) Special receipts allowance means the amount of
15 special education, state ward, and accelerated or differentiated
16 curriculum program receipts included in local system formula
17 resources under subdivisions (7), (8), (16), and (17) of section
18 79-1018.01;

19 (37) State aid means the amount of assistance paid to a
20 district pursuant to the Tax Equity and Educational Opportunities
21 Support Act;

22 (38) State board means the State Board of Education;

23 (39) State support means all funds provided to districts
24 by the State of Nebraska for the general fund support of elementary
25 and secondary education;

26 (40) Temporary aid adjustment factor means one and
27 one-fourth percent of the sum of the local system's transportation
28 allowance, the local system's special receipts allowance, and the

1 product of the local system's adjusted formula students multiplied
2 by the average formula cost per student in the local system's cost
3 grouping;

4 (41) Transportation allowance means the lesser of (a)
5 each local system's general fund expenditures for regular route
6 transportation and in lieu of transportation expenditures pursuant
7 to section 79-611 in the second school fiscal year immediately
8 preceding the school fiscal year in which aid is to be paid, but
9 not including special education transportation expenditures or
10 other expenditures previously excluded from general fund operating
11 expenditures, or (b) the number of miles traveled in the second
12 school fiscal year immediately preceding the school fiscal year in
13 which aid is to be paid by vehicles owned, leased, or contracted by
14 the district or the districts in the local system for the purpose
15 of regular route transportation multiplied by four hundred percent
16 of the mileage rate established by the Department of Administrative
17 Services pursuant to section 81-1176 as of January 1 of the most
18 recently available complete data year added to in lieu of
19 transportation expenditures pursuant to section 79-611 from the
20 same data year;

21 (42) Tuition receipts from converted contracts means
22 tuition receipts received by a district from another district in
23 the most recently available complete data year pursuant to a
24 converted contract prior to the expiration of the contract; and

25 (43) Tuitioned students means students in kindergarten
26 through grade twelve of the district whose tuition is paid by the
27 district to some other district or education agency.

28 Sec. 4. Original sections 79-2,133 and 79-1003, Reissue

1 Revised Statutes of Nebraska, are repealed.

2 Sec. 5. Since an emergency exists, this act takes effect

3 when passed and approved according to law.